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05 UNITED STATES DISTRICT COURT
06 WESTERN DISTRICT OF WASHINGTON
07 AT SEATTLE

08 UNITED STATES OF AMERICA,)
09 Plaintiff,) Case No. MJ09-374
10 v.)
11 DIMITRIUS TINSLEY,) DETENTION ORDER
12 Defendant.)
13 _____)

14 Offense charged:

15 Count 1: CONSPIRACY TO BZP, in violation of 21 U.S.C. §§ 841(a)(1),
16 841(b)(1)(C) and 846

17 Date of Detention Hearing: July 27, 2009

18 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
19 based upon the factual findings and statement of reasons for detention hereafter set forth,
20 finds:

21 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

22 (1) Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that
23 defendant is a flight risk and a danger to the community based on the nature of the pending
24 charges. Application of the presumption is appropriate in this case.

25 (2) At the time the search warrant was executed, defendant was in constructive
26 possession of multiple firearms.

01 (3) The evidence against the defendant, although the least important factor in the
02 detention decision, is strong.

03 (4) Defendant has a prior conviction for obstruction.

04 (5) Defendant has threatened to kill anyone who snitched on him.

05 (6) The United States Attorney has proffered that the defendant is a member of the
06 East Union Street Hustlers. Although the defendant denies gang membership, he carries the
07 gang tatoo on his body.

08 (7) There are no conditions or combination of conditions other than detention that
09 will reasonably ensure the safety of witnesses or the community short of detention.

10 IT IS THEREFORE ORDERED:


11 (1) Defendant shall be detained pending trial and committed to the custody of the
12 Attorney General for confinement in a correctional facility separate, to the extent practicable,
13 from persons awaiting or serving sentences or being held in custody pending appeal;

14 (2) Defendant shall be afforded reasonable opportunity for private consultation
15 with counsel;

16 (3) On order of a court of the United States or on request of an attorney for the
17 government, the person in charge of the corrections facility in which defendant is confined
18 shall deliver the defendant to a United States Marshal for the purpose of an appearance in
19 connection with a court proceeding; and

20 (4) The Clerk shall direct copies of this Order to counsel for the United States, to
21 counsel for the defendant, to the United States Marshal, and to the United States Pretrial
22 Services Officer.

23 DATED this 27th day of July, 2009.

24 
25 JAMES P. DONOHUE
26 United States Magistrate Judge